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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,567

10/25/2003

Nick E. Ciavarella

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2169

26360 7590 08/14/2007  
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER  
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EXAMINER

DERAKSHANI, PHILIPPE

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

08/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/693,567

Applicant(s)

CIAVARELLA ET AL.

Examiner

PHILIPPE S. DERAESHANI

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 2-4, 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's arguments, see appeal brief, filed 4/18/07, with respect to claims 2-7 and 9 have been fully considered and are persuasive. The rejection of claims 5-7 has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker et al 4,974,753.

Tucker et al show a collar comprising a keyplate 64 and a first 30 and second 40 flange. Tucker et al discloses the claimed invention except for the notch 68 on the flange 30 and the projecting part 32 on the dispenser. It would have been obvious to one having ordinary skill in the art at the time the invention was made to put the notch on the flange and the projecting part on the dispenser, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

Re claim 9 discloses the claimed invention except for each flange including a notch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a notch on the second flange, since it has been held that

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mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker 4,974,753 in view of Smernoff 5,377,876.

Tucker et al lack the collar having a vertical rib. Smernoff shows a vertical rib 16 on a collar to facilitate grasping (column 4, lines 33-34). It would have been obvious to one of ordinary skill in the art to have modified the Tucker et al collar with a vertical rib as taught by Smernoff to facilitate grasping.

***Allowable Subject Matter***

Claims 5-7 are allowed.

***Response to Arguments***


Applicant's arguments filed 4/18/07 have been fully considered but they are not persuasive. Applicant contends that the flanges of Tucker et al do not receive a keyplate therebetween. Tucker et al show first 30 and second flanges 40 receiving a keyplate 64 in as much as applicant claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIPPE S. DERAQSHANI whose telephone number is 571-272-4925. The examiner can normally be reached on 8 hour days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 8-7-07  
PHILIPPE S DERAKSHANI  
Primary Examiner  
Art Unit 3754

PD  
8/7/07